

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

MAR 16 2009

FRANCO WILLIAMSON,

Plaintiff,

v.

KIM MILLER, et al.,

Defendants.

WILLIAM D. GUTHRIE
Clerk U.S. District Court

By _____
Deputy Clerk

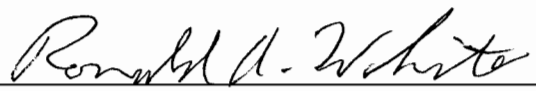
No. CIV 07-167-RAW-SPS

OPINION AND ORDER
DENYING THIRD MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed a third motion requesting the court to appoint counsel [Docket No. 57]. He still bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). According to plaintiff his lawsuit is meritorious but complex, and he lacks the intellectual capacity and formal education necessary to investigate and present the case.

The court has again carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After consideration of the complexity of the case and plaintiff's ability to present his claims, the court finds that appointment of counsel still is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, plaintiff's motion [Docket No. 57] is DENIED.

IT IS SO ORDERED this 16th day of March 2009.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE